

# **TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Mark Kutney, AICP/(954) 797-1101

**SUBJECT:** Variance

Project Name and Location: University Parc Residences, 7100 Nova Drive, Generally located at the northeast corner of Nova Drive and SW 71 Terrace.

## **TITLE OF AGENDA ITEM:**

V 12-1-00                      Applicant: Jorge Bouza, petitioner/Sundance at Davie, owner.

## **REPORT IN BRIEF:**

Request for one (1) variance **FROM:** Section 20-20 (Old Code), which limits the height of walls on residentially zoned property to six (6) feet **TO:** allow an eight (8) foot wall on the eastern portion of the property.

**PREVIOUS ACTIONS:** Council approved application SP 5-8-00 (University Parc Residences) on November 15, 2000 with the condition that the applicant apply for a variance to allow and eight (8) foot wall in between the proposed University Parc Residences site and the abutting Nova Villas Condominiums site to its east side.

## **CONCURRENCES:**

The Planning and Zoning Board recommended approval of the request at its February 14, 2001 meeting (Motion Carried 4-0, Ms. Moore absent, February 14, 2001).

**FISCAL IMPACT:** None.

**RECOMMENDATION(S):** Motion to approve.

**Attachment(s):** Land Use Map, Subject Site Map, Aerial.

**Application #: V 12-1-00**

**Revisions:**

**Exhibit "A":**

**Original Report Date: February 8, 2001**

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**TOWN OF DAVIE  
Development Services Department  
Planning & Zoning Division Staff  
Report and Recommendation**

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**APPLICANT INFORMATION**

**Owner:**

**Name:** Sundance at Davie  
**Address:** 3971 SW 8 ST, Suite 205  
**City:** Miami, FL 33134  
**Phone:** (954)252-8366

**Agent:**

**Name:** Jorge Bouza  
**Address:** 3971 SW 8 ST, Suite 205  
**City:** Miami, FL 33134  
**Phone:** (954)252-8366

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**BACKGROUND INFORMATION**

**Date of Notification:** February 7, 2001    **Number of Notifications:** 286

**Application Request:** One (1) variance **FROM:** Section 20-20 (Old Code), which limits the height of walls on residentially zoned property to six (6) feet **TO:** allow an eight (8) foot wall on the eastern portion of the property.

**Address/Location:** 7100 Nova Drive/Generally located at the northeast corner of Nova Drive and SW 71 Terrace.

**Future Land Use Plan Designation:** Regional Activity Center

**Zoning:** R-4A, Planned Apartment District, Old Code

**Existing Use:** Multi-family rental units

**Proposed Use:** Multi-family rental units

**Parcel Size:** 6.23 acres (275,404 square feet)

**Surrounding Uses:**

**North:** Warehouses & Vacant Land  
**South:** Nova Gardens Condominiums  
**East:** Nova Villas Condominiums

**Surrounding Land  
Use Plan Designation:**

Regional Activity Center  
Regional Activity Center  
Regional Activity Center

**West:** Arista Park Condominiums,  
Village of Arista Park Townhouses

Residential 10 DU/AC

**Surrounding Zoning:**

**North:** M-1, Light Industrial District, Old Code

**South:** RM-16, Medium-High Dwelling District

**East:** R-4A, Planned Apartment District, Old Code

**West:** R-4A, Planned Apartment District, Old Code; R-6, Hotel District, Old Code

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**ZONING HISTORY**

**Related Zoning History:** This parcel is inside the Regional Activity Center Future Land Use Plan designation that was adopted by Town Council in 1998.

**Previous Requests on same property:**

Petition ZB 4-2-99 requesting M-1, Light Industrial District designation was denied by the Planning and Zoning Board on June 23, 1999. Request was withdrawn by applicant on July 21, 1999.

Petition ZB 12-2-99 requesting RM-16, Medium High Dwelling designation was denied by Town Council on April 18, 2000.

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**APPLICATION DETAILS**

Town Council approved the site plan application for this parcel, known as SP 5-8-00, University Parc Residences, on November 15, 2000 subject to conditions. This application for a variance to allow an eight (8) foot wall on the eastern portion of the site is fulfilling one of the conditions of site plan approval set forth by Town Council. Section 20-20 of the "Old Land Development Code" limits the height of walls on residentially zoned property to six (6) feet. The adjacent residents desire an eight (8) foot wall to better screen this 94 unit multi-family rental development.

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**Applicable Codes and Ordinances**

1. The R-4A (Old Code) Planned Apartment District provides for single family or multi-family residential development.
2. Section 20-20 (Old Code) Fences, walls and hedges prohibits walls greater the six (6) feet in height on residentially zoned property.
3. Section 20-206 (Old Code) Variances, provides for the consideration of a variance in the case of unique and special circumstances or conditions applying to the property in

question or the intended use of the property whereby such strict application of the Land Development Code would result in practical difficulty or unnecessary hardship that would deprive the owner reasonable use of the property involved.

4. Section 12-309 of the current Land Development Code provides for the consideration of variances for height, area, number of required parking spaces, or plant units, size of structure or size of yards and open spaces, and separation requirements.

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### **Comprehensive Plan Considerations**

**Planning Area:** The subject property falls within Planning Area 6. Planning Area 6 includes lands located south of State Road 84, east of University Drive and north of Nova Drive, together with lands located east of the Florida Turnpike and west of State Road 7, south of State Road 84 and north of the south Town limits. The majority of this planning area is industrially zoned and land used plan designated. There are small commercial parcels along the State Road 7 corridor with one large retail center being located on the southeast corner of University Drive and State Road 84. Commercial flexibility has been applied to lands designated industrial on Nova Drive.

**Broward County Land Use Plan:** The subject site falls within Flexibility Zone 99.

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### **Staff Analysis**

The intent of Section 20-20 of the Old Land Development Code which limits the allowable height of walls to six (6) feet on residentially zoned property is to prevent fabricated barriers used for screening purposes from becoming objects of attention themselves due to the inappropriate scale for residential development. In this instance, the adjacent neighbors desire an imposing barrier and have requested that an eight (8) foot wall be constructed on the eastern portion of the site.

Staff finds that there are special circumstances that apply to this development that do not typically apply in this district. While the zoning of the adjacent property on the eastern portion of the site is the same; the manner in which the parcels have been developed is vastly different. On one side of the street there will be a three (3) story, 94 unit multi-family rental complex and on the other side there are small scale, one (1) floor condominiums.

Staff does not find that the strict application of the provisions of this chapter would deprive the applicant reasonable use of the land. However, what this variance will do is provide a more adequate buffer between two (2) vastly different types of residential development that are permitted by the antiquated development standards of the Old Land Development Code, and allow residents of Nova Villas Condominiums the continued reasonable enjoyment of their land.

Staff recognizes the applicants hardship of being asked to construct an eight (8) foot wall is not self created and finds that the requested variance is the minimum needed to accomplish the purpose of providing an adequate buffer between the adjacent parcels, and

is in harmony with the general purpose and intent of land development code.

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### Findings of Fact

#### **Variances:**

#### **Section 12-309(B)(1):**

**The following findings of facts apply to the variance request.**

(a) There is a special circumstance or condition applying to the land or building for which the variance is sought, which circumstance or condition is peculiar to such land or building and does not apply generally to land or building in the same district, and that said circumstance or condition is such that the strict application of the provisions of this chapter would not deprive the application of the reasonable use of such land or building for which the variance is sought, and that alleged hardship is not self-created by any person having an interest in the property.

(b) The granting of the variance is not necessary for the reasonable use of the land or building and that the variance as requested is the minimum variance that will accomplish this purpose.

*As stated in the foregoing analysis section, the variance is appropriate to protect the reasonable enjoyment of the neighboring Nova Villas Condominium property.*

(c) Granting of the requested variance is in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

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### Staff Recommendation

**Recommendation:** Based upon the above and the finding of facts in the positive, staff recommends **approval**, of petition V 12-1-00.

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### Planning & Zoning Board Recommendation

The Planning and Zoning Board recommended **approval**, of petition V 12-1-00. (Motion Carried 4-0, Ms. Moore absent, February 14, 2001).

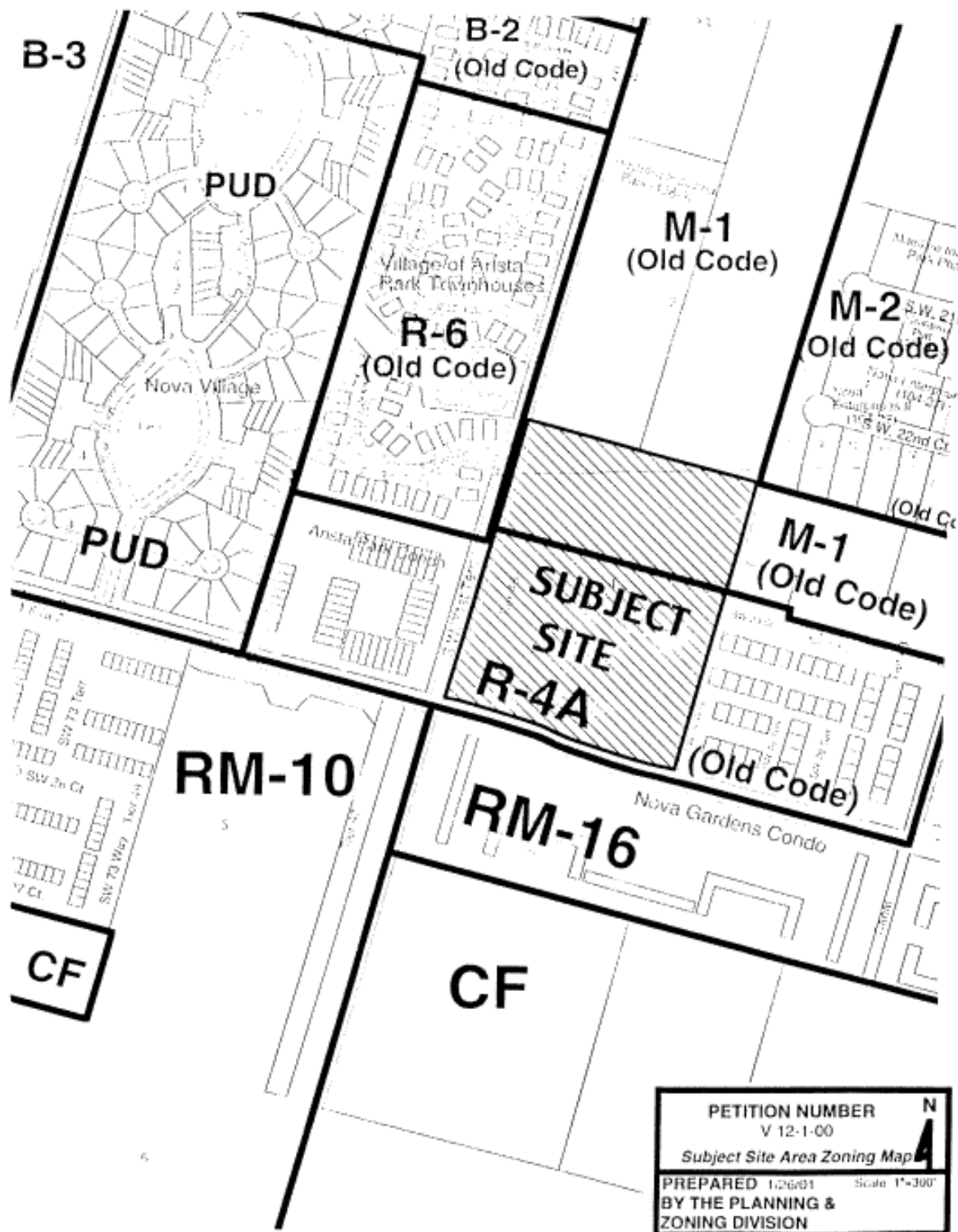
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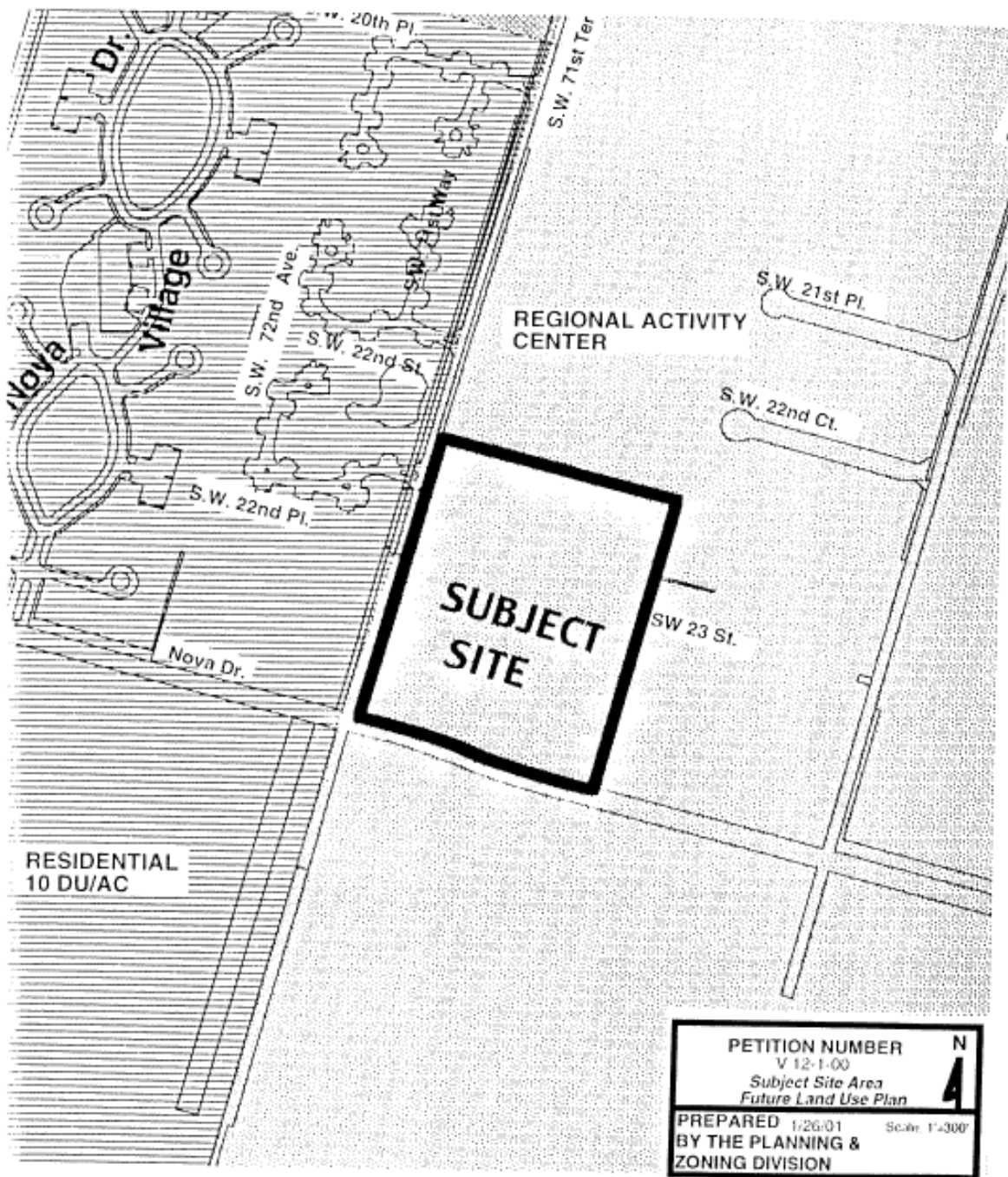
### Exhibits

1. Location map
2. Land Use Map
3. Subject Site Map
4. Aerial

Prepared by: \_\_\_\_\_

**Reviewed by:** \_\_\_\_\_









DATE FLOWN  
JANUARY 1998  
SCALE: NTS  
V 12-1-00

